

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWN KEVIN JACKSON,

Defendant.

CR-07-26-H-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 20, 2023. (Doc. 174.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 16, 2023. (Doc. 170) The United States accused Shawn Jackson, (Jackson) of violating his conditions of supervised release 1) by possessing more than one data storage device

wit hout obtaining the prior approval of his probation officer; 2) by knowingly possessing sexually explicit materials; 3) by failing to follow the instructions of his probation officer; and 4) by failing to successfully complete his sex offender treatment program. (Doc. 167.)

At the revocation hearing, admitted Jackson admitted that he had violated the terms of his supervised release 1) by knowingly possessing sexually explicit materials; 2) by failing to follow the instructions of his probation officer; and 3) by failing to successfully complete his sex offender treatment program. The government failed to satisfy its burden of proof with respect to alleged violation 1 (Doc. 170.) Judge Johnston found that the violations Jackson admitted prove serious and warrants revocation of his supervised release and recommends a custodial sentence of 6 months, with a lifetime of supervised release to follow with the first 6 months of supervised release under home confinement. Judge Johnston also recommended that during the period of home confinement, Jackson be restricted to his residence at all times except for activities pre-approved by the United States Probation Office. (Doc. 174.) Jackson was advised of his right to appeal and his right to allocute before the undersigned. (170.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 174) are **ADOPTED IN FULL. IT IS FURTHER**

ORDERED that Defendant Shawn Kevin Jackson be sentenced to the Bureau of Prisons for 6 months with a lifetime of supervised release. Jackson will spend the first 6 months of his supervised release under home confinement. During the period of home confinement, Jackson will be restricted to his residence at all times except for activities pre-approved by the United States Probation Office.

DATED this 4th day of April, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court